

Message Text

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PAGE 01 USBERL 00263 01 OF 03 261059Z
ACTION EUR-12

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O R 261020Z JAN 77
FM USMISSION USBERLIN
TO AMEMBASSY BONN IMMEDIATE
INFO SECSTATE WASHDC IMMEDIATE 3886
AMEMBASSY BERLIN UNN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L SECTION 1 OF 3 USBERLIN 0263

E.O.11652: GDS
TAGS: PFOR, PGOV, WB, GE, GW, UR
SUBJECT: GDR ANNOUNCES DISCONTINUANCE OF VERORDNUNGSBLATT

REFS: A) BONN 1212 AND PREVIOUS; B)BERLIN 5148

1. SUMMARY: GDR HAS LET OTHER SHOE DROP BY REPRINTING
IN JANUARY 25 NEUES DEUTSCHLAND A BDAPEST PAPER'S
COMMENTARY WHICH SAYS THAT VERORDNUNGSBLAT HAS BEEN
ABOLISHED BECAUSE IT IS SUPERFLUOUS AND THAT GDR
LAWS APPLY DIRECTLY TO EAST BERLIN. WE VIEW THIS AS
INDICATION GDR IS NOW COMMITTED TO STEP WHICH IT HAS BEEN EDGING
TOWARD FOR WEEKS. OUR ASSESSMENT IS THAT GDR AND
SOVIETS WEIGHED ALLIED REACTION AND CONCLUDED THAT
IT WAS NOT SUFFICIENTLY STRONG TO DISSUADE THEM FROM
A STEP WHICH WE CONSIDER A SERIOUS BLOW TO BERLIN'S
STATUS AND ONE WHICH WILL PROBABLY PAVE WAY SOONER OR
LATER FOR ATTACKS ON RIGHTS EXERCISED BY ALLIES IN
EAST BERLIN. WE RECOMMEND THAT CONSIDERATION BE GIVEN
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PAGE 02 USBERL 00263 01 OF 03 261059Z

TO TRIPARTITE OR IF NECESSARY UNILATERAL STEPS
TO LIMIT DAMAGE AND SET BENCH MARKS FOR FUTURE. IN
PARTICULAR WE BELIEVE THAT SOVIETS SHOULD BE
ADVISED THAT WE WILL TAKE INTO ACCOUNT RECENT GDR
ACTIONS WHEN WE DETERMINE POLITICAL ADVISABILITY,
AS DISTINCT FROM OUR LEGAL RIGHT, TO APPROVE OR TO TAKE
CERTAIN ACTIONS IN THE WESTERN SECTORS. END SUMMARY.

2. JANUARY 25 NEUES DEUTSCHLAND GIVES PROMINENT PAGE 2
COVERAGE TO COMMENTARY ENTITLED " WHAT AILS KLAUS SCHUETZ"
WHICH IS DESCRIBED AS ORIGINATING IN OFFICIAL HUNGARIAN
PAPER "NEPSZABADSAG".COMMENTARY
ATTACKS SCHUETZ FOR PREDICTING THAT 1977 COULD BE
YEAR OF CONFRONTATION ON BERLIN QUESTIONS IN VIEW OF
ALLEGED GDR VIOLATIONS OF CITY'S QUADRIpartite STATUS.
IN ADDITION TO DEFENDING VISA MEASURE INTRODUCED
JANUARY 1, COMMENTARY INCLUDES FOLLOWING STATEMENT
IN CONNECTION WITH VERORDNUNGSBLATT FUER GROSS-
BERLIN:
BEGIN TEXT: THE JOURNAL OF THE BERLIN MAGISTRAT
WHICH UNTIL NOW HAD PUBLISHED THE LAWS AND ORDINANCES
OF THE GDR HAS ALSO BEEN ABOLISHED (AUFGEHOBEN) AS
SOMETHING SUPERFLUOUS. THE LAWS AN ORDINANCES OF THE
GDR ARE IN ANY CASE VALID FOR BERLIN SINCE THE
CONSTITUTION OF THE GDR APPLIES TO THE ENTIRE COUNTRY
AND THERE IS AND FROM THEBEGINNING NEVER WAS ANY
QUESTION OF SPECIAL STATUS FOR THE CAPITAL. ONE HAS
ONLY TO LOOK AT THE MAP TO ESTABLISH THAT WEST BERLIN
IS LOCATED IN THE MIDDLE OF THE GDR'S TERRITORY BUT
THAT BERLIN FORMS AN ORGANIC PART OF THIS STATE.
FOR THIS VERY REASON THE QUADRIpartite AGREEMENT SIGNED
ON SEPTEMBER 3, 1971 DID NOT CONTAIN AND COULD NOT CONTAIN
ANY PROVISION ON BERLIN AND CONCERNS ITSELF SOLEY
WITH THE WEST BERLIN SITUATION. THE AGREEMENT DID
NOT THEREBY DEAL WITH THE DIFFERENT LEGAL STANDPOINTS
OF THE TWO SIDES. NOTHING, HOWEVER, CAN BETTER SHOW
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PAGE 03 USBERL 00263 01 OF 03 261059Z

THAT THE WESTERN COSIGNATORY POWERS SAW THESITUATION
CLEARLY THAN THE FACT THAT IN THE MEANTIME THE US,
ENGLAND AND FRANCE HAVE ESTABLISHED THEIR EMBASSIES
IN THE CAPITAL OF THE GDR. END TEXT.

3. WE HAD SUGGESTED PREVIOUSLY THAT USE OF DIE WAHRHEIT,
A WESTBERLIN PAPER CONTROLLED BY GDR, MAKE OFFICIAL COMMENT
THAT VERORDNUNGSBLATT HAD BEEN
DISCONTINUED, MIGHT JUST HAVE INDICATED THAT GDR WISHED
TO LEAVE ITSELF A POSSIBLE FACE-SAVING WAY TO RESUME
PUBLICATION IF ALLIES REACTED STRONGLY ENOUGH. WE
THINK THAT GDR, PRESUMABLY WITH EXPLICIT SOVIET
BLESSING, HAS NOW DECIDED THAT ALLIED REACTION HAS BEEN
WITHIN ACCEPTABLE BOUNDS AND THAT ARTICLE IN JANUARY 25
NEUES DEUTSCHLAND COULD THEN BE USED TO GIVE THIS
MEASURE MORE OFFICIAL IMPRIMATEUR.

4. QUESTIONS WE NOW NEED TO ASK OURSELVES ARE HOW
SERIOUS IS THIS GDR STEP AND WHAT, IF ANYTHING, CAN

OR SHOULD WE DO ABOUT IT. CAUTIOUS MANNER IN WHICH GDR PROCEEDED INDICATES TO US THAT THEY THEMSELVES (AND POSSIBLY SOVIETS AS WELL) ATTACH CONSIDERABLE SIGNIFICANCE TO THIS STEP AND THAT THEY WERE CONSIDERING IN THEIR PLANS POSSIBILITY THAT ALLIES WOULD ALSO REGARD IT AS GRAVE BREACH. A REVIEW OF CHRONOLGY MAY BE USEFUL:

A. UNLIKE VISA MEASURE WHICH WAS ANNOUNCED SEVERAL DAYS IN ADVANCE BY FORMAL ITEM IN NEUES DEUTSCHLAND AND OTHER OFFICIAL SOURCES, FIRST INDICATION OF ACTION AGAINST VERORDNUNGSBLATT WAS ITS NON-APPEARANCE OVER PERIOD OF SEVERAL MONTHS.

B. WHEN FRG PERMANENT REPRESENTATION ASKED GDR FOREIGN MINISTRY JANUARY 5 WHETHER NON-APPEARANCE OF VERORDNUNGSBLATT SINCE MID-SEPTEMBER MENAT THAT GDR INTENDED TO CEASE PUBLICATIN, RESPONSE WAS ONLY THAT SUCH AN ACTION WAS "POSSIBLE".

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PAGE 04 USBERL 00263 01 OF 03 261059Z

C. ALLIED PRESS STATEMENT OF JANUARY 6 DID NOT REFER TO VERORDNUNGSBLATT.

D. ALLIED EMBASSIES IN MOSCOW ELECTED NOT TO REFER TO VERORDNUNGSBLATT IN MAKING JANUARY 11 PROTEST TO SOVIET FOREIGN OFFICE. OUR REPORTS OF THREE ALLIED DEMARCHES INDICATE SOVIETS MADE EVERY EFFORT TO KEEP DISCUSSION THEORETICAL AND TO PASS OFF DISPUTE AS SIMPLY ANOTHER ONE OF THOSE INSTANCES IN WHICH ALLIES WOULD BE CONTENT TO PUT FORMAL VIEWS ON RECORD. SOVIET BERLIN EXPERT KVITSINSKIY EVEN TOLD BRITISH DCM THAT ALLIED APPROACH SOUNDED LIKE WHAT WE HAD SAID IN UN NOTE ON DEMOGRAPHIC YEARBOOK TERMINOLOGY.

E. DIE WAHRHEIT PROVIDED FIRST QUASI-OFFICIAL GDR COMMENTARY JANUARY 4 AFTER SOVIETS AND GDR HAD HAD OPPORTUNITY TO WEIGH ALLIED PROTEST.

F. OFFICIAL GDR OFFICES, INCLUDING FOREIGN OFFICE AND POSTAL MINISTRY AND PRESS OFFICE OF EAST BERLIN CITY GOVERNMENT DECLINED TO MAKE ANY COMMENT ON SUBJECT JANUARY 18 IN RESPONSE TO INQUIRIES FROM WEST GERMAN WIRE SERVICE. REF B CONTAINS ANOTHER NON-COMMITTAL REMARK FROM A WELL-INFORMED EAST GERMAN.

G. BRITISH AMBASSADOR WRIGHT REFERRED TO VERORDNUNGSBLATT ONLY IN RESPONSE TO ABRASIMOV ATTACKS ON ALLEGED WESTERN VIOLATIONS OF QA AT AMBASSADORIAL LUNCH JANUARY 19. HE DID NOT INSIST ON RESUMPTION OF PUBLICATION AND DID NOT, AS BRITISH BONN GROUP REP HAD INDICATED HE WOULD, TELL ABRASIMOV HIS RESPONSE WAS INSUFFICIENT AND THAT DISCUSSION SHOULD BE CONTINUED AT POLAD-KHOTULEV LEVEL. ABRASIMOV DID NOT, HOWEVER, SAY THAT

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PAGE 01 USBERL 00263 02 OF 03 261114Z
ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00
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TO AMEMBASSY IMMEDIATE

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C O N F I D E N T I A L SECTION 2 OF 3 USBERLIN 0263

VERORDNUNGSBLATT HAD BEEN DISCONTINUED, ONLY THAT
"NEITHER HE NOR THE BRITISH COULD OBLIGE THE GDR TO
CONTINUE ITS PUBLICATION."

H. ABRASIMOV MET WITH HONECKER JANUARY 20, PRESUMEDLY
TO DISCUSS AMONG OTHER MATTERS RECENT GDR MEASURES AND
ALLIED RESPONSE.

I. SOVIET EMBASSY IN WASHINGTON ATTEMPTED TO SOUND
OUT EUR/CE ON ALLIED REACTION TO GDR ACTIONS IN
JANUARY 21 MEETING UNPRECEDENTED IN RECENT YEARS.

J. ONLY AFTER ALL THIS DID GDR PRINT OFFICIAL NEUES
DEUTSCHLAND STORY JANUARY 25 TO DISCONTINUANCE OF
VERORDNUNGSBLATT.

5. ONE INTERPRETATION WHICH CAN BE PLACED ON THIS
RATHER REMARKABLE CHRONOLOGY IS THAT SOVIETS BELIEVED
ALLIES WOULD ATTACH MUCH MORE IMPORTANT TO VERODNUNGSBLATT
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PAGE 02 USBERL 00263 02 OF 03 261114Z

THAN TO OTHER MEASURES SUCH AS IMPOSITION OF VISA FOR

DAY-VISIT TO EAST BERLIN OR AWARD OF SEAT ON COUNCIL OF MINISTERS TO MAYOR OF EAST BERLIN. REASON FOR THIS ASSUMPTION IS PRESUMEDLY THAT THEY, LIKE ALLIES, REGARDED VERODNUNGSBLATT AS VISIBLE SYMBOL OF SPECIAL STATUS IN THAT IT SHOWED THAT LAWS PASSED BY VOLKSKAMMER REQUIRED SOME INTERMEDIATE STEP OF ADOPTION IN EAST BERLIN BEFORE THEY BECAME BINDING IN EAST BERLIN. THIS PROCEDURE CLOSELY PARALLELED "MANTELGESETZ" PROCEDURE PURSUANT TO WHICH FRG LAWS ADOPTED IN BUNDESTAG BECAME EFFECTIVE IN WEST BERLIN ONLY AFTER BEING ADOPTED BY HOUSE OF REPRESENTATIVES AND PUBLISHED IN GESETZ-UNDVERORDNUNGSBLATT FUER BERLIN. ALLIES HAD ALWAYS CITED THIS PROCEDURE AS ONE OF KEY ELEMENTS IN WEST BERLIN'S SPECIAL STATUS.

6. IN THIS CONNECTION IT SHOULD BE NOTED THAT LIST PREPARED BY BONN GROUP FOR NATO BRIEFING IS COMPLETE AS TO MEASURE WHICH STILL INDICATE SPECIAL STATUS OF EAST BERLIN. DISCONTINUANCE OF VERODNUNGSBLATT WOULD LEAVE INDIRECT ELECTION OF EAST BERLIN MEMBERS OF VOLKSKAMMER AS ONLY INDICATION OF SPECIAL STATUS NOT DIRECTLY ASSOCIATED WITH MOVEMENT OF ALLIED FORCES AND ALLIED AIRPLANES. SOVIETS WOULD BE UNLIKELY TO HAVE FORGOTTEN THAT ALLIES REFERRED SPECIFICALLY TO VERORDNUNGSBLATT PROCEDURE DURING QA NEGOTIATIONS. THUS FRENCH AMBASSADOR SAUVAGNARGUES MADE FOLLOWING STATEMENT JUNE 9, 1970 AT VERY OUTSET OF NEGOTIATIONS: BEGIN TEXT: MOREOVER, AND AT THE SAME TIME THE EAST BERLIN AUTHORITIES ENDEAVOR TO MAINTAIN CERTAIN APPEARANCES. EAST GERMAN LEGISLATION IS ONLY EXTENDED TO EAST BERLIN AFTER ADMINISTRATIVE FORMALITIES ARE TAKEN IN WHICH, MOREOVER, THE PEOPLE'S REPRESENTATIVES DO NOT INTERPOSE THEIR AUTHORITY. THE REPRESENTATIVES OF EAST BERLIN IN THE VOLKSKAMMER ARE NOT ELECTED DIRECTLY BUT ARE SELECTED BY THE MUNICIPAL ASSEMBLY; CONFIDENTIAL

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PAGE 03 USBERL 00263 02 OF 03 261114Z

I BELIEVE THAT THEY ALSO DO NOT POSSESS THE SAME VOTING RIGHTS AS THEIR COLLEAGUES. DO NOT THESE PRECAUTIONS SUFFICE TO PROVE THAT EAST BERLIN AUTHORITIES, DO DOUBT IN AGREEMENT WITH THE USSR, DO NOT HAVE AN ENTIRELY GOOD CONSCIENCE AND THAT THEY KNOW QUITE WELL THAT THE QUADRIPARTITE STATUS OF BERLIN IS STILL VALID IN EAST AS IN WEST? END TEXT.

7. EQUALLY IMPORTANT IS IMPLICATION FOR ALLIED RIGHTS AND RESPONSIBILITIES ON WHICH FREEDOM OF WESTERN SECTORS ULTIMATELY RESTS, GDR HAS NOT YET ATTACKED ALLIES DIRECTLY, BUT WITH DISAPPEARANCE OF

VERORDNUNGSBLATT THERE IS VERY LITTLE PROTESTIVE COVER LEFT TO OUR RIGHT OF UNHINDERED ACCESS AND MOVEMENT THROUGHOUT ENTIRE CITY. WE WOULD EXPECT THAT SOONER OR LATER SOVIETS AND GDR WILL BEGIN PROCESS OF CHIPPING AWAY AT THAT RIGHT AND WILL CITE ABSENCE OF OTHER INDICATIONS OF SPECIAL EAST BERLIN STATUS AS PROFF THAT ANACHRONISM OF ALLIED FREE ACCESS AND MOVEMENT MUST BE CUT BACK OR ELIMINATED. OUR ABILITY TO DEFEND OUR POSITION IN COURT OF WORLD OPINION WILL BE LESS BECAUSE OF PROGRESSIVE STRIPPING AWAY OF OTHER INDICIA OF SPECIAL STATUS. RESTRICTIONS ON ALLIED RIGHTS IN EAST BERLIN WOULD, OF COURSE, ADD CONSIDERABLE WEIGHT TO SOVIET ARGUMENT THAT AS QUADRIPARTITE STATUS APPLICES ONLY TO WEST BERLIN THEY, SOVIETS, MUST ACQUIRE GREATER SAY IN WHAT HAPPENS ON OUR SIDE OF WALL.

8. WE CITE AS POTENTIALLY OMINOUS SIGN THAT CAMPAIGN AGAINST ALLIED RIGHTS IN EAST BERLIN MAY NOT BE TOO FAR OFF, ADDITIONAL REPORT OF WRIGHT-ABRASIMOV LUNCHEON CONCERSATION WHICH BRITISH MADE AVAILABLE TO US ONLY JANUARY 24. AS NOTED IN ORIGINAL REPORT, CONFIDENTIAL

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PAGE 04 USBERL 00263 02 OF 03 261114Z

ABRASIMOV TOYED WITH IDEA THAT ALLIES ACTUALLY HAD NO RIGHTS IN EAST BERLIN, ONLY RESPONSIBILITY TO RESPECT CAPITAL OF SOVEREIGN STATE. ABRASIMOV BACKED OFF THIS SLIGHTLY BY SAYING THAT OF COURSE ALLIES HAD RIGHT TO ENTER EAST BERLIN, BUT, AS WE HAVE NOW JUST LEARNED, HE WENT ON TO SUGGEST THAT ALLIES, IN PARTICULAR AMERICANS, WERE ABUSING THIS RIGHT, HE SAID THAT SOVIETS PUT UP WITH MILITARY INSPECTION PATROLS, BUT HE FELT THAT AMERICANS IN PARTICULAR WERE SENDING TOO MANY PATROLS WHICH, HE SAID, CAME AND WENT AS THEY PLEASED AND MAINTAINED REGULAR OBSERVATION OF SOVIET EMBASSY. HE CLAIMED THAT 10-12 AMERICAN PATROLS PASSED BACK AND FORTH EACH WEEK IN FRONT OF EMBASSY AND TOOK PHOTOGRAPHS OF ALL PERSONS ENTERING OR LEAVING. THIS, HE SAID, WAS SOMETHING HE COULD TOLERATE ONLY UP TO CERTAIN POINT. HE ADDED THAT SOVIET SENT ONLY ONE PATROL CAR A WEEK TO VISIT EACH OF THREE WESTERN SECTORS AND THAT ALLIES SHOULD REDUCE NUMBERS OF THEIR PATROLS, OR AT LEAST THEIR DEMONSTRATIVE PATROLS, VOLUNTARILY.

9. COMMENT: ABRASIMOV IS CORRECT ON NUMBER OF AMERICAN PATROL VEHICLES WHICH PASS SOVIET EMBASSY IN A WEEK. THEY DO NOT "OBSERVE" EMBASSY, HOWEVER.

THEY PASS IT SIMPLY BECAUSE IT IS ON MAJOR THROUGH-
FARE, AND IN FACT ONLY TWO OF OUR PATROLS HAVE CARRIED
CAMERAS INTO EAST BERLIN SINCE OCTOBER (THOUGH
OFF-DUTY AMERICAN SOLDIERS IN PRIVATE GREEN-PLATED
CARS MAY AND PROBABLY HAVE TAKEN TOURIST PHOTOS
MORE OFTEN.) FURTHERMORE AMERICAN AVERAGE (CUT
LAST YEAR) OF 4-5 PATROLS EACH DAY IS VERY CLOSE
TO AVERAGE OF SOVIET PATROLS IN WEST BERLIN WHICH,
CONTRARY TO ABRASIMOV ASSERTION, IS 3-4 PATROLS
DAILY. ADDITIONALLY, THE SOVIETS SEND ONE VEHICLE
TO BASC AND ONE TO THEIR WAR MEMORIAL EACH DAY.
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PAGE 05 USBERL 00263 02 OF 03 261114Z

END COMMENT.

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PAGE 01 USBERL 00263 03 OF 03 261140Z
ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 INRE-00 USIE-00 CIAE-00
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C O N F I D E N T I A L SECTION 3 OF 3 USBERLIN 0263

WE BELIEVE, THEREFORE, THAT IT WOULD BE PRUDENT FOR
ALLIES TO CONSIDER WHETHER SOME FURTHER ALLIED
RESPONSE TO VERORDNUNGSBLATT WOULD NOT BE USEFUL EVEN AT
THIS LATE DATE. WE WOULD HOPE THAT NOT TOO MUCH TIME

WOULD BE LOST CONSIDERING WHETHER QUADRIpartite AGREE-
MENT HAS BEEN FORMALLY BREACHED. ARGUMENT ABOUT LEGALI-
TY OF GDR ACTION WOULD NO DOUBT RUN UP AGAINST STANDARD
SOVIET ARGUMENT THAT QA DEALS ONLY WITH WEST BERLIN.
ADDRESSEES ARE FAMILIAR WITH EXTENDED DEBATE ON THIS
POINT DURING QA NEGOTIATIONS, AND ALLIES RECOGNIZED
AT EARLY STAGE THAT FAILURE TO OBTAIN EXPLICIT REFER-
ENCE IN TEXT TO BERLIN AS A WHOLE OR TO SOVIET SECTOR
WOULD CREATE AMBIGUITIES WHEN IT CAME TO INTER-
PRETATION AND IMPLEMENTATION. SOVIETS WERE LEFT IN
NO DOUBT, HOWEVER, AS DEPT. OFFICER TOLD SOVIET EMBASSY
OFFICER JANUARY 21, THAT ALLIES WOULD CONSIDER MEASURE
SUCH AS DISCONTINUANCE OF VERORDNUNGSBLATT A DIRECT
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PAGE 02 USBERL 00263 03 OF 03 261140Z

PROVOCATION AND EFFORT TO UPSET QA'S BALANCE. ONE OF BEST

SUMMARIES OF THE FACT OF POLITICAL LIFE WAS ACTUALLY GIVEN BY
SOVIET EXPERT KVITSINSKIY AT NOVEMBER 20, 1970 SESSION
WHEN NEGOTIATORS WERE GROPING TOWARD PRACTICAL COM-
PROMISES ON GEOGRAPHICAL AND TERMINOLOGICAL MATTERS
THAT WERE ULTIMATELY INCLUDED IN AGREEMENT:

BEGIN TEXT: KVITSINSKIY SAID THAT WE WERE NOW
TRYING TO FORMULATE AN AGREEMENT WHERE EACH SIDE
THOUGHT ITS OWN THOUGHTS. FOR EXAMPLE, AS REGARDS
PART ONE, THE SOVIETS HAD IN MIND THE TERM "WEST BERLIN"
AND THE WESTERN POSERS "BERLIN AS A WHOLE," BUT THIS
DISCREPANCY DID NOT MAKE IT IMPOSSIBLE TO ARRIVE AT
A COMMON FORMULATION. THE APPROPRIATE QUESTION HERE
WAS NOT THE QUESTION OF WHAT BOTH SIDES THOUGHT BUT
IN WHAT WAY THEY WOULD AGREE TO ACT. THE FOUR POWERS
HAD AGREED TO IMPLEMENT AN AGREEMENT IN A WAY WHICH
WOULD NOT PREJUDICE THE RIGHTS OF ANY OF THE FOUR
AND NOT CREATE DISPUTES AMONG THEM. THIS WAS THE PRES-
ENT OBJECTIVE. ON MORE THAN ONE OCCASION, WESTERN
REPRESENTATIVES HAD ASKED THE SOVIETS QUESTIONS ON
THIS SUBJECT. THEY FULLY KNEW WHAT THE SOVIETS
HAD IN MIND ON THIS SUBJECT. HE KNEW WHAT THE
WESTERN SIDE HAD IN MIND TOO. THE TASK NOW WAS TO
FORMULATE AN AGREEMENT. THE SOVIETS WERE NOT TRYING
TO DEROGATE OR DETRACT FROM EXISTING RIGHTS. END
TEXT.

11. WE RECOGNIZE THAT THERE WILL INEVITABLY BE
DIFFICULTIES IN DETERMINING WHAT RESPONSES MIGHT NOW
BE APPROPRIATE FOR ALLIES TO TAKE. WE WOULD LEAVE IT
TO EMBASSY BERLIN AND DEPARTMENT TO DETERMINE
WHETHER THERE ARE BILATERAL LEVERS THAT MIGHT BE
APPLIES. WE WOULD NOTE WITH FAVOR, HOWEVER, POSSI-

BILITY OF MAKING SOME SORT OF EAST BERLIN STATEMENT
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PAGE 03 USBERL 00263 03 OF 03 261140Z

IN CONNECTION WITH ANY AGREEMENT WE MAY IN FUTURE
CONCLUDE WITH GDR. WE RECALL ALSO THAT SOME THOUGHT
WAS GIVEN EARLY IN 1973 TO UTILIZING A SPECIAL
STAMP WHEN WE ISSUE VISAS TO EAST GERMANS WHO GIVE AS
THEIR ADDRESS "BERLIN" OR "BERLIN, CAPITAL OF THE GDR."
STAMP WOULD SAY SOMETHING LIKE "THE ISSUANCE OF THIS
VISA DOES NOT IN ANY WAY AFFECT THE VIEWS OF THE
UNITED STATE GOVERNMENT ON THE SPECIAL STATUS OF GREATER BERLIN."

12. OUR OWN INTEREST FOCUSES PRIMARILY ON MEASURES
WHICH WE MIGHT TAKE IN WEST BERLIN. WE DO NOT RECOM-
MEND THAT WE UNDERTAKE A REFORM OF OUR MANTELGESETZ
PROCEDURE PARALLEL TO WHAT GDR HAS DONE WITH VERORD-
NUNGSBLATT. OUR FLEXIBILITY OF MANEUVER IS LIMITED
BY STATEMENT IN LETTER OF THREE AMBASSADORS TO FRG
CHANCELLOR ON INTERPRETATION OF ANNEX II OF QA THAT
"ESTABLISHED PROCEDURES CONCERNING THE APPLICABILITY
TO THE WESTERN SECTORS OF BERLIN OF LEGISLATION OF
THE FEDERAL REPUBLIC OF GERMANY SHALL REMAIN UN-
CHANGED." ALLIES APPROVED CONCEPT OF A SO-CALLED
"GOBALGESETZ" IN 1954 PURSUANT OT WHICH HOUSE OF
REPREASENTATIVES WOULD PASS ONE LAW THAT WOULD
PROVIDE THAT ANY FRG LAW WITH BERLIN CLAUSE WOULD
AUTOMATICALLY BE CONSIDERED EFFECTIVE IN BERLIN UNLESS
ALLIES INTERPOSED OBJECTION WITHIN SET PERIOD OF TIME.
NEITHER IN 1954 NOR IN 1964-65 AND 1968 WHEN IDEA
AROSE AGAIN, HOWEVER, WERE ALLIES AND GERMANS ABLE
TO RESOLVE THICKET OF POLITICAL-LEGAL QUESTIONS ON
PROCEDURES AND SAFEGUARDS FOR ALLIED RIGHTS AND
RESPONSIBILITIES WHICH SUCH A LAW WOULD REQUIRE
(INTERESTINGLY, HOWEVER, ONE OF ARGUMENTS ALLIES
CONSIDERED SIGNIFICANT IN TURNING DOWN PROPOSAL IN
1968 WAS THAT SOVIETS HAD MAINTAINED VERORDNUNGSBLATT
PROCEDURE IN EAST BERLIN). GOVERNING MAYOR HAS
ALREADY TOLD A PRESS CONFERENCE LAST WEEK THAT HE
DOES NOT INTEND TO ADVOCATE CHANGE IN MANTELGESETZ
CONFIDENTIAL

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PAGE 04 USBERL 00263 03 OF 03 261140Z

PROCEDURE, AND WE BELIEVE THAT IT IS BEST NOT TO
ENTER THIS THICKET AGAIN WITH ITS RISK THAT IN SO
DOING WE COULD BE ACCUSED OF DISMANTLING A SPECIFIC
QA PROVISION.

13. MORE PROMISING AVENUE, IN OUR JUDGEMNT, LIES IN GENERAL QUESTION OF APPROVING OR DISAPPROVING PROPOSALS WHICH FRG MAY HAVE TO MAINTAIN AND DEVELOP TIES. WE HAVE TOLD SOVIETS ON NUMBER OF OCCASIONS THAT WE INTEND TO LOOK AT POLITICAL DESIRABILITY OF PERMITTING ANY GIVEN ACTIVITY AS WELL AS ITS LEGAL COMPATIBILITY WITH QA PROVISIONS. WE HAVE SHOWN SE ARE FAITHFUL TO OUR WORD BY TAKING POSITION WE HAVE ON, FOR EXAMPLE, ESTABLISHMENT OF GERMAN NATIONAL FOUNDATION. IT WOULD NOT COMMIT US TO APPROVE ANY SPECIFIC MEASURE SUCH AS ESTABLISHMENT OF A NEW FEDERALFXICE WERE WE NOW TO REMIND SOVIETS OF OUR PLEDGE AND REMARK POINTELDY THAT GDR PROVOCATION AND ATTACK ON STATUS OF BERLIN IN WHAT WE HAD PREVIOUSLY WARNED SOVIETS WAS A SENSITIVE AREA WILL NATURALLY HAVE TO BE TAKEN INTO ACCOUNT WHEN WE MAKE OUR ASSESSMENT OF POLITICAL DESIRABILITY OF ANY GIVEN MEASURE IN WESTERN SECTORS IN FUTURE. CONCEIVABLY SUCH A MESSAGE COULD BE PASSED UNILATERALLY IF NECESSARY SINCE IT WOULD RELATE TO AN ATTITUDE RATHER THAN TO ANY SPECIFIC ACT.

14. RECOMMENDATION: THAT EMBASSY AND DEPARTMENT CONSIDER ADVISABILITY ON URGENT BASIS OF DEVISING COURSE OF ACTION WE MIGHT TAKE EITHER IN CONSULTATION WITH BONN GROUP OR UNILATERALLY TO CONVEY TO SOVIETS SERIOUSNESS WITH WHICH WE REGARD GDR DECISION TO DISCONTINUE PUBLICATION OF VERORDNUNGSBLATT AND OUR BELEIF THAT WE WILL BE REQUIRED TO TAKE CERTAIN ACTION IN RESPONSE. DAVIS

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Status: NATIVE
Subject: GDR ANNOUNCES DISCONTINUANCE OF VERORDNUNGSBLATT
TAGS: PFOR, PGOV, WB, GC, GE, UR
To: BONN
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/aed538d0-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
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